

CONFORM & RETURN

FILED

JUN 29 2020

HEIDI PERCY
COUNTY CLERK
SNOHOMISH CO WASH.

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR SNOHOMISH COUNTY

NASRULLAH CHAUDHRY; and his marital
community;

Plaintiffs,

v.

WALMART, INC.; a foreign for-profit company;
and John Does 1-5,

Defendants.

NO. 20-2-03444-31

COMPLAINT FOR PERSONAL
INJURIES.

COMES NOW the plaintiff, by and through her attorney, Mark W.D. O'Halloran and
Gosanko & O'Halloran, PLLC for cause of action, and state and allege as follows:

I. PLAINTIFFS

1.1 Plaintiff Nasrullah Chaudhry is, and was at all material times, a resident of California.

II. DEFENDANTS

2.1 Defendants Walmart, Inc. ("Walmart") was at all material times believed to be a
foreign for-profit corporation doing business in Snohomish County, Washington. All acts
complained of were performed by defendants Walmart in Snohomish County.

2.2 Defendants John Does 1-5 are unknown individuals or entities who may have caused
or contributed to the events giving rise to this action, or who may have been an employee, contractor,
employer or principal of the above-named defendants, or an unknown individual who may have been
acting within the course and scope of his/her employment/agency with the defendant or a different

COMPLAINT FOR PERSONAL INJURIES - 1

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1 corporation at the time of the incident alleged. When their identities become known, the Complaint
2 will be amended to reflect that knowledge.

3 4 **III. VENUE AND JURISDICTION**

5 3.1 The events forming the basis of each cause of action occurred in Snohomish County
6 Washington and, therefore, venue is proper in this Court. This Court has jurisdiction over the subject
7 matter of, and the parties to, this action.

8 **IV. FACTS OF CAUSE OF ACTION**

9 4.1 On or about July 2, 2017, Nasrullah Chaudhry was traveling through Washington State
10 on a vacation with his family. He went to Walmart at 1400 164th SW in Lynwood, Washington to
11 shop for an automobile battery.

12 4.2 Nasrullah was a business invitee of Walmart.

13 4.3 As Mr. Chaudhry attempted to pick up a car battery, a metal sign fell from above and
14 landed on his head. Mr. Chaudhry's head split open and began bleeding significantly. Someone
15 passing by saw Mr. Chaudhry in distress and called for an employee. Someone called 911.

16 4.4 The Walmart employee or a manager gave him her business card, and she told him that
17 Walmart would pay the bill. Mr. Chaudhry was concerned about riding in the ambulance, so declined
18 the ride from paramedics. He took the hospital address from paramedics and went to the hospital on
19 his own with his wife.

20 4.5 The Emergency Room doctors closed his head wound with staples and advised him to
21 rest. By the next day, Mr. Chaudhry was feeling very dizzy and forgetful, so he returned to the ER,
22 where they took a CT and provided medications for pain and sleep. He continued to experience
23 significant symptoms that essentially ruined the remainder of the planned vacation. He could no
24 longer drive long distances, and he and his family made their way back to California slowly, using
25 rest stops to sleep along the way. Nas Chaudhry's injuries included headaches, dizziness, memory
26 loss, focus problems, balance, hearing, vision changes, cut to his head, neck pain, speaking
difficulties extreme fatigue, irritability, and unusual anger.

1
2 4.6 The actions of Walmart were negligent, falling below the standard of care
3 required by the laws of the State of Washington. Walmart failed to maintain the store in a proper
4 condition for the safety of their business invitees, and Walmart failed to exercise reasonable care
5 under the circumstances.

6 4.7 The injuries to Mr. Chaudhry were solely caused by the negligence of Walmart and its
7 employees.

8 4.8 As a direct, proximate, and foreseeable result of the negligence of defendants,
9 Nasrullah Chaudhry suffered injuries that are permanent, painful and progressive, and he has
10 incurred, and may continue to incur, economic damages, as that term is defined in RCW 4.56.250 that
11 have not been paid by defendants.

12 4.9 As a further direct, proximate, and foreseeable result of the negligence of defendants,
13 Nasrullah Chaudhry suffered and continues to suffer non-economic damages, as that term is defined
14 in RCW 4.56.250, in amounts as will be proved at the time of trial.

15 4.10 Walmart has not paid for the damages caused to Nasrullah Chaudhry.

16 4.11 Nasrullah Chaudhry's wife has a claim for loss of consortium.

17 4.12 Because John Does 1-5 may have caused or contributed to the events giving rise to this
18 action, or were employees of Walmart or contractors working for Walmart, John Does 1-5 may be
19 liable to the plaintiff to the full extent as Walmart under individual theories of negligence, or the
20 theory of respondeat superior or principal/agency.

21 WHEREFORE, the plaintiffs pray for judgment against the defendants, jointly and severally,
22 as follows:

- 23 A. For special damages in an amount to be proved at the time of trial;
24 B. For general damages in an amount to be proved at the time of trial;
25 C. For costs and disbursements, including statutory and reasonable attorney fees;
26 D. For pre-judgment interest on all special damages;

1 E. For post-judgment interest on the entire judgment until paid in full; and

2 F. For such other and further relief as the Court may deem just and equitable.

3
4 DATED this 18th day of June, 2020.

5 GOSANKO & O'HALLORAN, PLLC

6
7 By Mark O'Halloran

8 Mark W. D. O'Halloran, W.S.B.A. #33149
9 Attorney for Plaintiff